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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,754	01/07/2002	Richard A. Forand	10559-562001 / P12717	3206
20985	7590	02/28/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			LERNER, MARTIN	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,754

Applicant(s)

FORAND, RICHARD A.

Examiner

Martin Lerner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 to 28 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09 April 2002</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Ex Parte Quayle

1. This application is in condition for allowance except for the following formal matters:
2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- (1) It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.
- (2) It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.
- (3) It does not identify the citizenship of each inventor.

See MPEP 605.01 to 605.03.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

3. Claims 1 to 28 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest making a plurality of speech samples available to a user so that a speech sample most resembling a user's speech may be selected, and identifying an acoustic model associated with the selected speech sample for recognizing the user's speech. Generally, it is a known problem in the art of speech recognition to provide an acoustic model most similar to a user's speech.

Typically, speech recognition systems must provide training for an acoustic model by requiring a user to repeat an extensive set of words and phrases, an enrollment process which is time consuming and difficult. Applicant's invention, however, simplifies training and enrollment by providing a plurality of pre-existing acoustic models and permitting a user to select one acoustic model most similar to his/her style of speech for speech recognition. (See Specification, Pages 1 and 2.)

Boss et al. discloses a speech encoder, where a user can select a voice font from a plurality of available voice fonts for the purpose of synthesizing speech signals with a desired speech output, e.g. in a voice of Arnold Schwarzenegger. (Column 10, Line 10 to Column 12, Line 5) Thus, *Boss et al.* discloses "making a plurality of speech samples available for listening" and "receiving the selection". However, *Boss et al.* omits making samples available "so that the speech sample most resembling the user's

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speech may be selected” and “identifying an acoustic model associated with the selected speech sample for recognizing the user’s speech.” *Kanevsky et al.* suggests a plurality of acoustic models are stored on a central server, and a user model for recognizing the user’s speech, corresponding to an acoustic model associated with a user, is selected once a user’s identity is verified. (Column 5, Line 64 to Column 6, Line 24) Thus, *Kanevsky et al.* suggests “identifying an acoustic model” “for recognizing the user’s speech.” However, the combination of *Boss et al.* and *Kanevsky et al.* does not suggest making a plurality of speech samples available for listening “so that a speech sample most resembling the user’s speech may be selected” for recognizing a user’s speech. Applicant’s invention has the advantage of providing a solution to a long-standing problem in speech recognition by reducing time consuming and difficult training and enrollment of user-specific acoustic models through a process that involves user selection of speech samples most resembling a user’s speech.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicant’s disclosure.

Towell, Foladare et al., Shigetomi et al., Rigby et al., and Maes disclose related art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (703) 308-

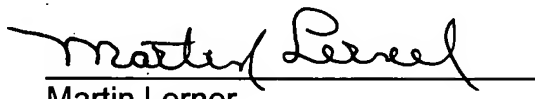
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9064. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
2/15/05


Martin Lerner
Examiner
Group Art Unit 2654